

### REMARKS/ARGUMENTS

Claims 1-27 are pending. Claims 1, 10, and 19 are amended herein. No new matter is added as a result of the Claim amendments.

#### Rejection under 35 USC 112 first paragraph

##### Claims 1-27

In the Office Action, the Examiner rejected Claims 1-27 under 35 USC 112, first paragraph, as failing to comply with the written description requirement. The examiner has stated that the Claims contain subject matter that was not sufficiently described in the specification.

Applicants have removed the Claimed features, therefore, the rejection under 35 USC 112, first paragraph, is moot.

#### Rejection under 35 USC 112 second paragraph

##### Claims 1-27

In the Office Action, the Examiner rejected Claims 1-27 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner has stated that the Claims contain the phrase "topography".

Applicants have corrected the clerical error in the Claims and have removed the Claimed feature "topography"; therefore, the rejection under 35 USC 112, second paragraph, is moot.

#### 35 U.S.C. § 102 Rejections

Claims 1-5, 10-14, and 19-23 are rejected under 35 U.S.C. § 102 (e) as being anticipated by Arkko et al., (U.S. Patent 6,535,517), hereinafter referred to as "Arkko." The Applicants

respectfully submit that Arkko does not teach or suggest the claim limitations recited in Claims 1, 10, and 19 of the present invention.

Applicants respectfully state that Claims 1, 10 and 19 include the feature “wherein said comparing detects any new devices in the network infrastructure, any changed configuration of devices in the network, and any devices or device interfaces that have been removed or have failed in the network.” Support for the claimed feature can be found throughout the Figures and Specification including Page 10 lines 10-20 and Figure 3B.

Applicants understand Arkko to teach recognizing if a device in the network is not detected. That is, Applicants understand Arkko, during operation, to teach that each RPG-I attempts to detect the presence of every other expected RPG-I and if one is not detected then an alarm is issued.

Therefore, the Applicants do not understand Arkko to teach or suggest detecting any new devices in the network infrastructure as recited in Claims 1, 10, and 19 of the present invention. Furthermore, Applicants do not understand Arkko to teach or suggest detecting any changed configuration of devices in the network as recited in Claims 1, 10, and 19 of the present invention.

In contrast to Arkko, the detection recited in Claims 1, 10, and 19 of the present invention teaches detecting any new devices in the network infrastructure, any changed configuration of devices in the network, and any devices or device interfaces that have been removed or have failed in the network. Thus, the Applicants respectfully submit that Arkko does not teach or suggest the features as recited in Claims 1, 10, and 19 of the present invention. Accordingly, the Applicants respectfully submit that the rejection of Claims 1, 10, and 19 under 35 U.S.C. § 102 (e) are overcome.

Additionally, Applicants respectfully state that Claims 10 and 19 include the feature “storing an expected network infrastructure description as an XML data type description and comparing said expected network infrastructure XML data type description with a current network infrastructure XML data type description, wherein said comparing detects any new devices in the network infrastructure, any changed configuration of devices in the network, and any devices or device interfaces that have been removed or have failed in the network.” Support for the claimed feature can be found throughout the Figures and Specification including, among others, Page 11 lines 1-30, Page 16 lines 1-20 and Figures 3A-C and Figure 4.

Applicants understand Arkko to teach recording an expected network topology in memory for later comparison. Moreover, Applicant understands Arkko to teach recording the number of devices in memory, preferably in a network topology data structure. In addition, Applicants understand Arkko to teach comparing the recorded expected network topology with the current network topology.

However, the Applicants do not understand Arkko to teach or suggest storing the expected network infrastructure description as an XML data type description as recited in Claims 10, and 19 of the present invention. Furthermore, Applicants do not understand Arkko to teach or suggest transforming the current network infrastructure into an XML data type description for comparison with a stored expected network infrastructure XML data type description as recited in Claims 10, and 19 of the present invention.

In contrast to Arkko, the detection recited in Claims 10, and 19 of the present invention utilizes a transformation of both the expected and the current network descriptions into an XML description to perform the comparison. Thus, the Applicants respectfully submit that Arkko does not teach or suggest the features as recited in Claims 10, and 19 of the present invention.

Accordingly, the Applicants respectfully submit that the rejection of Claims 10, and 19 under 35 U.S.C. § 102 (e) are overcome.

Further, Applicants respectfully state that Claim 19 includes the feature “storing an expected network infrastructure description as an XML data type description, said description comprising a device name and at least one configuration attribute for each device of said expected network infrastructure; comparing said expected network infrastructure XML data type description with a current network infrastructure XML data type description comprising a device name and at least one configuration attribute for each device of said current network infrastructure, wherein said comparing detects any new devices in the network infrastructure, any changed configuration of devices in the network, and any devices or device interfaces that have been removed or have failed in the network.” Support for the claimed feature can be found throughout the Figures and Specification including Page 11 lines 4-10 and Figure 4.

Applicants understand Arkko to teach recognizing if a device in the network is not detected. That is, Applicants understand Arkko, during operation, to teach that each RPG-I attempts to detect the presence of every other expected RPG-I and if one is not detected then an alarm is issued. In addition, Applicants understand Arkko to teach recording an expected network topology in memory for later comparison. Moreover, Applicant understands Arkko to teach recording the number of devices in memory, preferably in a network topology data structure.

However, the Applicants do not understand Arkko to teach or suggest storing a description comprising a device name and at least one configuration attribute for each device of the expected network infrastructure as recited in Claim 19 of the present invention. Furthermore, Applicants do not understand Arkko to teach or suggest storing the description comprising a device name and at least one configuration attribute for each device of said expected network infrastructure in an XML format as recited in Claim 19 of the present invention.

In contrast to Arkko, the detection recited in Claim 19 of the present invention teaches detecting the device name and attributes such as the attributes described on page 26 lines 18-22, e.g., MAC address of each interface, a “linksTo” field which identifies a particular switch and port which is connected to the interface. Thus, the Applicants respectfully submit that Arkko does not teach or suggest the features as recited in Claim 19 of the present invention. Accordingly, the Applicants respectfully submit that the rejection of Claim 19 under 35 U.S.C. § 102 (e) are overcome.

Therefore, the Applicants respectfully submit that Arkko does not teach or suggest the features as recited in Claims 1, 10, and 19 of the present invention. Accordingly, the Applicants respectfully submit that the rejection of Claims 1, 10, and 19 under 35 U.S.C. § 102 (e) are overcome.

Claims 2-5 depend from Claim 1 and recite additional limitations descriptive of embodiments of the present invention. Accordingly, the Applicants respectfully submit that the rejection of Claims 2-5 under 35 U.S.C. § 102 (e) are also overcome.

Claims 11-14 depend from Claim 10 and recite additional limitations descriptive of embodiments of the present invention. Accordingly, the Applicants respectfully submit that the rejection of Claims 11-14 under 35 U.S.C. § 102 (e) are also overcome.

Claims 19-23 depend from Claim 19 and recite additional limitations descriptive of embodiments of the present invention. Accordingly, the Applicants respectfully submit that the rejection of Claims 19-23 under 35 U.S.C. § 102 (e) are also overcome.

35 U.S.C. § 103 Rejections

Claims 6, 15 and 24

Claims 6, 15, and 24 are rejected under 35 U.S.C. § 103 (a) as being obvious over Arkko in view of Miyake et al., (U.S. Pub. No. 2001/0042118 A1), hereinafter referred to as "Miyake." Applicants have reviewed the cited reference and respectfully submit that the present invention is not rendered obvious over Arkko in view of Miyake for the following rationale.

With respect to Claim 6, Applicants respectfully point out that Claim 6 depends from the allowable Claim 1 and recites further features of the present claimed invention. Therefore, Applicants respectfully state that Claim 6 is allowable as pending from an allowable base Claim.

With respect to Claim 15, Applicants respectfully point out that Claim 15 depends from the allowable Claim 10 and recites further features of the present claimed invention. Therefore, Applicants respectfully state that Claim 15 is allowable as pending from an allowable base Claim.

With respect to Claim 24, Applicants respectfully point out that Claim 24 depends from the allowable Claim 19 and recites further features of the present claimed invention. Therefore, Applicants respectfully state that Claim 24 is allowable as pending from an allowable base Claim.

Claims 7, 16 and 25

Claims 7, 16, and 25 are rejected under 35 U.S.C. § 103 (a) as being obvious over Arkko in view of Miyake and in further view of Benfield et al., (2003/0009552), hereinafter referred to as "Benfield." Applicants have reviewed the cited reference and respectfully submit that the present invention is not rendered obvious over Arkko in view of Miyake and in further view of Benfield for the following rationale.

With respect to Claim 7, Applicants respectfully point out that Claim 7 depends from the allowable Claim 1 and recites further features of the present claimed invention. Therefore, Applicants respectfully state that Claim 7 is allowable as pending from an allowable base Claim.

With respect to Claim 16, Applicants respectfully point out that Claim 16 depends from the allowable Claim 10 and recites further features of the present claimed invention. Therefore, Applicants respectfully state that Claim 16 is allowable as pending from an allowable base Claim.

With respect to Claim 25, Applicants respectfully point out that Claim 25 depends from the allowable Claim 19 and recites further features of the present claimed invention. Therefore, Applicants respectfully state that Claim 25 is allowable as pending from an allowable base Claim.

Claims 8, 17 and 26

Claims 8, 17, and 26 are rejected under 35 U.S.C. § 103 (a) as being obvious over Arkko in view of Fitzgerald et al., (U.S. Patent. No. 5,581,764), hereinafter referred to as "Fitzgerald." Applicants have reviewed the cited reference and respectfully submit that the present invention is not rendered obvious over Arkko in view of Fitzgerald for the following rationale.

With respect to Claim 8, Applicants respectfully point out that Claim 8 depends from the allowable Claim 1 and recites further features of the present claimed invention. Therefore, Applicants respectfully state that Claim 8 is allowable as pending from an allowable base Claim.

With respect to Claim 17, Applicants respectfully point out that Claim 17 depends from the allowable Claim 10 and recites further features of the present claimed invention. Therefore, Applicants respectfully state that Claim 17 is allowable as pending from an allowable base Claim.

With respect to Claim 26, Applicants respectfully point out that Claim 26 depends from the allowable Claim 19 and recites further features of the present claimed invention. Therefore, Applicants respectfully state that Claim 26 is allowable as pending from an allowable base Claim.

Claims 9, 18 and 27

Claims 9, 18, and 27 are rejected under 35 U.S.C. § 103 (a) as being obvious over Arkko in view of Burgess et al., (5696701), hereinafter referred to as "Burgess." Applicants have reviewed the cited reference and respectfully submit that the present invention is not rendered obvious over Arkko in view of Burgess for the following rationale.

With respect to Claim 9, Applicants respectfully point out that Claim 9 depends from the allowable Claim 1 and recites further features of the present claimed invention. Therefore, Applicants respectfully state that Claim 9 is allowable as pending from an allowable base Claim.

With respect to Claim 18, Applicants respectfully point out that Claim 18 depends from the allowable Claim 10 and recites further features of the present claimed invention. Therefore, Applicants respectfully state that Claim 18 is allowable as pending from an allowable base Claim.

With respect to Claim 27, Applicants respectfully point out that Claim 27 depends from the allowable Claim 19 and recites further features of the present claimed invention. Therefore, Applicants respectfully state that Claim 27 is allowable as pending from an allowable base Claim.



### CONCLUSION

In light of the above remarks, the Applicants respectfully request reconsideration of the rejected Claims.

Based on the arguments presented above, the Applicants respectfully assert that Claims 1-27 overcome the rejections of record and, therefore, the Applicants respectfully solicit allowance of these Claims.

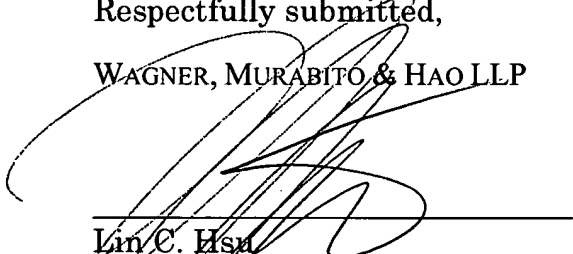
The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Date:

13 February 2006

  
\_\_\_\_\_  
Lin C. Hsu  
Reg. No. 46,315

WESTRIDGE BUSINESS PARK  
123 WESTRIDGE DRIVE  
WATSONVILLE, CALIFORNIA 95076  
(408) 938-9060